March 5, 2013, Introduced by Reps. Lyons, Price, Haveman, Franz, McMillin, Yonker and Crawford and referred to the Committee on Education.


THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) "ACHIEVEMENT AUTHORITY" MEANS THAT TERM AS
(2) "ACHIEVEMENT SCHOOL" MEANS A PUBLIC SCHOOL OPERATED, MANAGED, AUTHORIZED, ESTABLISHED, OR OVERSEEN BY THE ACHIEVEMENT AUTHORITY.

(3) "Area" as used in the phrase "area vocational-technical education program" or "area career and technical education program" means the geographical territory, within the boundaries of a K to 12 school district, an intermediate school district, or a community college district, that is designated by the department as the service area for the operation of an area vocational-technical education program.

(4) "Area vocational-technical education program", "area career and technical education program", or "career and technical education program" means a program of organized, systematic instruction designed to prepare the following persons for useful employment in recognized occupations:

(a) Persons participating in career and technical education readiness activities that lead to enrollment in a career and technical education program in high school.

(b) Persons enrolled in high school in a school district, intermediate school district, public school academy, or nonpublic school.

(c) Persons who have completed or left high school and who are available for full-time study in preparation for entering the labor market.

(d) Persons who have entered the labor market and who need training or retraining to achieve stability or advancement in
employment.

(5) (2) "Board" or "school board" means the governing body of a local school district unless clearly otherwise stated.

(6) (4) "Boarding school" means a place accepting for board, care, and instruction 5 or more children under 16 years of age.

(7) (5) "Constituent district" means a local school district the territory of which is entirely within and is an integral part of an intermediate school district.

Sec. 4. (1) "EDUCATION ACHIEVEMENT SYSTEM" MEANS THE ACHIEVEMENT AUTHORITY AND ALL ACHIEVEMENT SCHOOLS.

(2) (1) "Educational media center" means a program operated by an intermediate school district and approved by the state board—DEPARTMENT that provides services to local school districts or constituent districts under section 671.

(3) (2) "Intermediate school board" means the board of an intermediate school district.

(4) (3) "Intermediate school district" means a corporate body established under part 7.

(5) (4) "Intermediate school district election" means an election called by an intermediate school board and held on the date of the regular school elections of constituent districts or on a date determined by the intermediate school board under section 642c of the Michigan election law, MCL 168.642c.

(6) (5) "Intermediate school elector" means a person who is a school elector of a constituent district and who is registered in the city or township in which the person resides.

(7) (6) "Intermediate superintendent" means the
superintendent of an intermediate school district.

Sec. 5. (1) "Local act school district" or "special act school district" means a SCHOOL district governed by a special or local act or chapter of a local act. "Local school district" and "local school district board" as used in article 3 include a local act school district and a local act school district board.

(2) "Membership" means the number of full-time equivalent pupils in a public school as determined by the number of pupils registered for attendance plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the state board. SUPERINTENDENT OF PUBLIC INSTRUCTION.

(3) "Michigan election law" means the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(4) "Nonpublic school" means a private, denominational, or parochial school.

(5) "Objectives" means measurable pupil academic skills and knowledge.

(6) "Public school" means a public elementary or secondary educational entity or agency that is established under this act, has as its primary mission the teaching and learning of academic and vocational-technical skills and knowledge, and is operated by a school district, local act school district, special act school district, intermediate school district, school of excellence, public school academy corporation, strict discipline academy corporation, urban high school academy corporation, or by the department or state board. Public school also includes a laboratory school or other elementary or secondary school that is
controlled and operated by a state public university described in section 4, 5, or 6 of article VIII of the state constitution of 1963. **PUBLIC SCHOOL ALSO INCLUDES AN ACHIEVEMENT SCHOOL.**

(7) "Public school academy" means a public school academy established under part 6a and, except as used in part 6a, also includes an urban high school academy established under part 6c, a school of excellence established under part 6e, and a strict discipline academy established under sections 1311b to 1311m.

(8) "Pupil membership count day" of a school district, **PUBLIC SCHOOL ACADEMY, OR THE EDUCATION ACHIEVEMENT SYSTEM** means that term as defined in section 6 of the state school aid act of 1979, MCL 388.1606.

(9) "Regular school election" or "regular election" means the election held in a school district, local act school district, or intermediate school district to elect a school board member in the regular course of the terms of that office and held on the school district's regular election date as determined under section 642c of the Michigan election law, MCL 168.642c.

(10) "Reorganized intermediate school district" means an intermediate school district formed by consolidation or annexation of 2 or more intermediate school districts under sections 701 and 702.


Sec. 11a. (1) Beginning on July 1, 1996, each school district formerly organized as a primary school district or as a
school district of the fourth class, third class, or second class
shall be a general powers school district under this act.

(2) Beginning on July 1, 1996, a school district operating
under a special or local act shall operate as a general powers
school district under this act except to the extent that the
special or local act is inconsistent with this act. Upon repeal
of a special or local act that governs a school district, that
school district shall become a general powers school district
under this act.

(3) A general powers school district has all of the rights, powers, and duties expressly
stated in this act; may exercise a power implied or incident to a
power expressly stated in this act; and, except as provided by
law, may exercise a power incidental or appropriate to the
performance of a function related to operation of the school
district—PUBLIC SCHOOLS in the interests of public elementary and
secondary education, in the school district, including, but not
limited to, all of the following:

(a) Educating pupils. In addition to educating pupils in
grades K-12, this function may include operation of preschool,
lifelong education, adult education, community education,
training, enrichment, and recreation programs for other persons.

IN PERFORMING THIS FUNCTION, A SCHOOL DISTRICT MAY DO EITHER OR
BOTH OF THE FOLLOWING:

(i) EDUCATE PUPILS BY DIRECTLY OPERATING 1 OR MORE SCHOOLS ON
ITS OWN.

(ii) CAUSE PUBLIC EDUCATIONAL SERVICES TO BE PROVIDED WITHIN
THE SCHOOL DISTRICT TO RESIDENTS OF THE SCHOOL DISTRICT THROUGH A
CONTRACT OR INTERGOVERNMENTAL AGREEMENT WITH ANOTHER GOVERNMENTAL
ENTITY, INCLUDING, BUT NOT LIMITED TO, ANOTHER SCHOOL DISTRICT, A
PUBLIC SCHOOL ACADEMY, OR THE ACHIEVEMENT AUTHORITY.

(b) Providing for the safety and welfare of pupils while at
school or a school sponsored activity or while en route to or
from school or a school sponsored activity.

(c) Acquiring, constructing, maintaining, repairing,
renovating, disposing of, or conveying school property,
facilities, equipment, technology, or furnishings.

(d) Hiring, contracting for, scheduling, supervising, or
terminating employees, independent contractors, and others,
INCLUDING, BUT NOT LIMITED TO, ANOTHER SCHOOL DISTRICT, A PUBLIC
SCHOOL ACADEMY, OR THE ACHIEVEMENT AUTHORITY THROUGH AN
INTERGOVERNMENTAL AGREEMENT, to carry out school district powers
UNDER THIS ACT. A school district OR AN ACHIEVEMENT AUTHORITY may
indemnify its employees.

(e) Receiving, accounting for, investing, or expending
school district PUBLIC SCHOOL money; borrowing money and pledging
school district PUBLIC SCHOOL funds for repayment; and qualifying
for state school aid and other public or private money from
local, regional, state, or federal sources.

(4) A general powers school district OR AN ACHIEVEMENT
AUTHORITY may enter into agreements or cooperative arrangements
with other entities, public or private, or join organizations as
part of performing the functions of the school district,
INCLUDING, BUT NOT LIMITED TO, A PUBLIC SCHOOL ACADEMY OR THE
ACHIEVEMENT AUTHORITY. An agreement or cooperative arrangement that is entered into under this act is not required to comply with the provisions of the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, as provided under section 503 of that act, MCL 124.503.

(5) A general powers school district is a body corporate and shall be governed by a school board. An act of a school board is not valid unless approved, at a meeting of the school board, by a majority vote of the members lawfully serving on the board.

(6) The board of a general powers school district shall adopt bylaws. These bylaws may establish or change board procedures, the number of board officers, titles and duties of board officers, and any other matter related to effective and efficient functioning of the board. Regular meetings of the board shall be held at least once each month, at the time and place fixed by the bylaws. Special meetings may be called and held in the manner and for the purposes specified in the bylaws. Board procedures, bylaws, and policies in effect on the effective date of this section shall continue in effect until changed by action of the board.

(7) The board of a school district shall be elected as provided under this act and the Michigan election law. The number of members of the board of a general powers school district shall remain the same as for that school district before July 1, 1996 unless changed by the school electors of the school district at a regular or special school election. A ballot question for changing the number of board members may be placed on the ballot
by action of the board or by petition submitted by school
electors as provided under chapter XIV of the Michigan election
law, MCL 168.301 to 168.316.

(8) Members of the board of a general powers school district
shall be elected by the school electors for terms of 4 or 6
years, as provided by the school district's bylaws. At each
regular school election, members of the board shall be elected to
fill the positions of those whose terms will expire. A term of
office begins as provided in section 302 of the Michigan election
law, MCL 168.302, and continues until a successor is elected and
qualified.

(9) The board of a general powers school district may submit
to the school electors of the school district a question that is
within the scope of the powers of the school electors and that
the board considers proper for the management of the school
system or the advancement of education in the school district.
Upon the adoption of a question by the board, the board shall
submit the question to the school electors by complying with
section 312 of the Michigan election law, MCL 168.312.

(10) A special election may be called by the board of a
general powers school district as provided under chapter XIV of
the Michigan election law, MCL 168.301 to 168.316.

(11) Unless expressly provided in 1995 PA 289, the powers of
a school board or school district are not diminished by this
section or by 1995 PA 289.

(12) A school district operating a public library, public
museum, or community recreational facility as of July 1, 1996 may
continue to operate the public library, public museum, or
community recreational facility.

(13) A school district may establish and administer
scholarships for its students or graduates to support their
attendance at a postsecondary educational institution from funds
the school district receives as a result of a compact entered
into between this state and a federally recognized Indian tribe
pursuant to the Indian gaming regulatory act, Public Law 100-497.
A school district that establishes a scholarship program funded
under this subsection shall ensure that the scholarship program
provides for all of the following:

(a) That a student or graduate is not eligible to be awarded
a scholarship unless the student or graduate is enrolled in the
school district for all of grades 9 to 12 and meets 1 of the
following:

(i) Is a resident of the school district for all of grades 9
to 12.

(ii) Was enrolled in the school district for the 2009-2010
school year but was not a resident of the school district for
that school year, and is enrolled in the school district
continuously after that school year until graduation.

(b) That the amount of a scholarship awarded to a student or
graduate who was not enrolled in and a continuous resident of the
school district for all of grades K to 12 shall be adjusted based
on length of enrollment and continuous residency or, for a
student or graduate described in subdivision (a)(ii), based on
length of enrollment.
Sec. 501. (1) A public school academy is a public school under section 2 of article VIII of the state constitution of 1963, is a school district for the purposes of section 11 of article IX of the state constitution of 1963 and for the purposes of section 1225 and section 1351a, and is subject to the leadership and general supervision of the state board over all public education under section 3 of article VIII of the state constitution of 1963. A public school academy is a body corporate and is a governmental agency. The powers granted to a public school academy under this part constitute the performance of essential public purposes and governmental functions of this state.

(2) As used in this part:

(a) "Authorizing body" means any of the following that issues a contract as provided in this part:

(i) The board of a school district that operates grades K to 12.

(ii) An intermediate school board.

(iii) The board of a community college.

(iv) The governing board of a state public university.

(v) Two or more of the public agencies described in subparagraphs (i) to (iv) exercising power, privilege, or authority jointly pursuant to an interlocal agreement under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.

(b) "Certificated teacher" means an individual who holds a valid teaching certificate issued by the superintendent of public
(c) "Community college" means a community college organized under the community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195, or a federal tribally controlled community college that is recognized under the tribally controlled colleges and universities assistance act of 1978, 25 USC 1801 to 1852, and is determined by the department to meet the requirements for accreditation by a recognized regional accrediting body.

(d) "Contract" means the executive act taken by an authorizing body that evidences the authorization of a public school academy and that establishes, subject to the constitutional powers of the state board and applicable law, the written instrument executed by an authorizing body conferring certain rights, franchises, privileges, and obligations on a public school academy, as provided by this part, and confirming the status of a public school academy as a public school in this state.

(e) "Entity" means a partnership, nonprofit or business corporation, labor organization, or any other association, corporation, trust, or other legal entity.

(f) "State public university" means a state university described in section 4, 5, or 6 of article VIII of the state constitution of 1963.

Sec. 502. (1) A public school academy shall be organized and administered under the direction of a board of directors in accordance with this part and with bylaws adopted by the board of directors. A public school academy corporation shall be organized
under the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to
450.3192, except that a public school academy corporation is not
required to comply with sections 170 to 177 of 1931 PA 327, MCL
450.170 to 450.177. To the extent disqualified under the state or
federal constitution, a public school academy shall not be
organized by a church or other religious organization and shall
not have any organizational or contractual affiliation with or
constitute a church or other religious organization.

(2) Any of the following may act as an authorizing body to
issue a contract to organize and operate 1 or more public school
academies under this part:

(a) The board of a school district. However, the board of a school district shall not issue a
contract for a public school academy to operate outside the
school district's boundaries, and a public school academy
authorized by the board of a school district shall not operate
outside that school district's boundaries.

(b) An intermediate school board. However, the board of an
intermediate school district shall not issue a contract for a
public school academy to operate outside the intermediate school
district's boundaries, and a public school academy authorized by
the board of an intermediate school district shall not operate
outside that intermediate school district's boundaries.

(c) The board of a community college. However, except as
otherwise provided in this subdivision, the board of a community
college shall not issue a contract for a public school academy to
operate in a school district organized as a school district of
the first class, a public school academy authorized by the board of a community college shall not operate in a school district organized as a school district of the first class, the board of a community college shall not issue a contract for a public school academy to operate outside the boundaries of the community college district, and a public school academy authorized by the board of a community college shall not operate outside the boundaries of the community college district. The board of a community college also may issue a contract for not more than 1 public school academy to operate on the grounds of an active or closed federal military installation located outside the boundaries of the community college district, or may operate a public school academy itself on the grounds of such a federal military installation, if the federal military installation is not located within the boundaries of any community college district and the community college has previously offered courses on the grounds of the federal military installation for at least 10 years.

(d) The governing board of a state public university. However, the combined total number of contracts for public school academies issued by all state public universities shall not exceed 300 through December 31, 2012 and shall not exceed 500 through December 31, 2014. After December 31, 2014, there is no limit on the combined total number of contracts for public school academies that may be issued by all state public universities.

(e) Two or more of the public agencies described in subdivisions (a) to (d) exercising power, privilege, or authority
jointly pursuant to an interlocal agreement under the urban
cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to
124.512.

(3) To obtain a contract to organize and operate 1 or more
public school academies, 1 or more persons or an entity may apply
to an authorizing body described in subsection (2). The
application shall include at least all of the following:

(a) Identification of the applicant for the contract.
(b) Subject to the resolution adopted by the authorizing
body under section 503(5), a list of the proposed members of the
board of directors of the public school academy and a description
of the qualifications and method for appointment or election of
members of the board of directors.
(c) The proposed articles of incorporation, which shall
include at least all of the following:
(i) The name of the proposed public school academy.
(ii) The purposes for the public school academy corporation.
This language shall provide that the public school academy is
incorporated pursuant to this part and that the public school
academy corporation is a governmental entity.
(iii) The name of the authorizing body.
(iv) The proposed time when the articles of incorporation
will be effective.
(v) Other matters considered expedient to be in the articles
of incorporation.
(d) A copy of the proposed bylaws of the public school
academy.
(e) Documentation meeting the application requirements of the authorizing body, including at least all of the following:

(i) The governance structure of the public school academy.

(ii) A copy of the educational goals of the public school academy and the curricula to be offered and methods of pupil assessment to be used by the public school academy. The educational goals shall include demonstrated improved pupil academic achievement for all groups of pupils. To the extent applicable, the progress of the pupils in the public school academy shall be assessed using at least a Michigan education assessment program (MEAP) test or the Michigan merit examination under section 1279g, as applicable.

(iii) The admission policy and criteria to be maintained by the public school academy. The admission policy and criteria shall comply with section 504. This part of the application also shall include a description of how the applicant will provide to the general public adequate notice that a public school academy is being created and adequate information on the admission policy, criteria, and process.

(iv) The school calendar and school day schedule.

(v) The age or grade range of pupils to be enrolled.

(f) Descriptions of staff responsibilities and of the public school academy's governance structure.

(g) For an application to the board of a school district, an intermediate school board, or board of a community college, identification of the local and intermediate school districts in which the public school academy will be located.
(h) An agreement that the public school academy will comply with the provisions of this part and, subject to the provisions of this part, with all other state law applicable to public bodies and with federal law applicable to public bodies or school districts.

(i) A description of and address for the proposed physical plant in which the public school academy will be located. An applicant may request the authorizing body to issue a contract allowing the public school academy board of directors to operate the same configuration of age or grade levels at more than 1 site.

(4) An authorizing body shall oversee, or shall contract with an intermediate school district, community college, or state public university to oversee, each public school academy operating under a contract issued by the authorizing body. The authorizing body is responsible for overseeing compliance by the board of directors with the contract and all applicable law. This subsection does not relieve any other government entity of its enforcement or supervisory responsibility.

(5) If the superintendent of public instruction finds that an authorizing body is not engaging in appropriate continuing oversight of 1 or more public school academies operating under a contract issued by the authorizing body, the superintendent of public instruction may suspend the power of the authorizing body to issue new contracts to organize and operate public school academies. A contract issued by the authorizing body during the suspension is void. A contract issued by the authorizing body
before the suspension is not affected by the suspension.

(6) An authorizing body shall not charge a fee, or require reimbursement of expenses, for considering an application for a contract, for issuing a contract, or for providing oversight of a contract for a public school academy in an amount that exceeds a combined total of 3% of the total state school aid received by the public school academy in the school year in which the fees or expenses are charged. An authorizing body may provide other services for a public school academy and charge a fee for those services, but shall not require such an arrangement as a condition to issuing the contract authorizing the public school academy.

(7) A public school academy shall be presumed to be legally organized if it has exercised the franchises and privileges of a public school academy for at least 2 years.

(8) An authorizing body may enter into an intergovernmental agreement with another authorizing body to issue public school academy contracts. At a minimum, the agreement shall further the purposes set forth in section 501, describe which authorizing body shall issue the contract, and set forth which authorizing body will be responsible for monitoring compliance by the board of directors of the public school academy with the contract and all applicable law.

Sec. 654. (1) In—EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2), IN a constituent district not employing a superintendent the intermediate superintendent shall:

(a) Recommend in writing all teachers to the board of
(b) Suspend a teacher for cause until the board of education of the constituent district employing the teacher considers the suspension.

(c) Supervise and direct the work of the teachers.

(d) Classify and control the promotion of pupils.

(2) SUBSECTION (1) DOES NOT APPLY TO A CONSTITUENT DISTRICT IF THE CONSTITUENT DISTRICT IS NOT REQUIRED TO EMPLOY A SUPERINTENDENT UNDER SECTION 1229.

PART 7C

EDUCATION ACHIEVEMENT AUTHORITY

SEC. 771. AS USED IN THIS PART:

ACHIEVEMENT AUTHORITY UNDER THIS ACT. NO MORE THAN 1 QUALIFIED AUTHORITY MAY FUNCTION AS THE ACHIEVEMENT AUTHORITY UNDER THIS ACT AT THE SAME TIME.

(B) "AUTHORITY BOARD" MEANS AN AUTHORITY BOARD DESCRIBED IN SECTION 773.

(C) "CHANCELLOR" MEANS THE CHANCELLOR OF THE ACHIEVEMENT AUTHORITY DESCRIBED IN SECTION 774.

(D) "GOVERNING BODY" MEANS THE ENTITY AUTHORIZED TO ACT AS THE GOVERNING BODY OF THE ACHIEVEMENT AUTHORITY UNDER THIS PART, INCLUDING THE AUTHORITY BOARD APPOINTED UNDER SECTION 773, ANY AUTHORITY BOARD PROVIDED FOR IN THE INTERLOCAL AGREEMENT CREATING THE QUALIFIED AUTHORITY AUTHORIZED TO FUNCTION AS THE ACHIEVEMENT AUTHORITY UNDER THIS ACT, ANY EXECUTIVE COMMITTEE PROVIDED FOR IN THE INTERLOCAL AGREEMENT CREATING THE QUALIFIED AUTHORITY AUTHORIZED TO FUNCTION AS THE ACHIEVEMENT AUTHORITY UNDER THIS ACT, OR ANY OTHER COMMISSION, COUNCIL, OR BOARD CONSTITUTED PURSUANT TO THE INTERLOCAL AGREEMENT CREATING THE QUALIFIED AUTHORITY AUTHORIZED TO FUNCTION AS THE ACHIEVEMENT AUTHORITY UNDER THIS ACT AND AUTHORIZED UNDER THE INTERLOCAL AGREEMENT TO ADMINISTER OR EXECUTE THE INTERLOCAL AGREEMENT.

(E) "QUALIFIED AUTHORITY" MEANS A PUBLIC BODY CORPORATE ESTABLISHED UNDER STATE LAW THAT SATISFIES ALL OF THE FOLLOWING:

(i) THE PUBLIC BODY CORPORATE IS A SPECIAL AUTHORITY CREATED UNDER AN INTERLOCAL AGREEMENT AUTHORIZED BY THE URBAN COOPERATION ACT OF 1967, 1967 (EX SESS) PA 7, MCL 124.501 TO 124.512.

(ii) THE INITIAL PARTIES TO THE INTERLOCAL AGREEMENT CREATING THE PUBLIC BODY CORPORATE INCLUDE A STATE PUBLIC UNIVERSITY AND A
SCHOOL DISTRICT WITH A MEMBERSHIP OF NOT LESS THAN 25,000 PUPILS.

(iii) THE INTERLOCAL AGREEMENT CREATING THE PUBLIC BODY CORPORATE AUTHORIZES THE PUBLIC BODY CORPORATE TO EXERCISE THE POWERS, PRIVILEGES, AND AUTHORITIES THAT THE INITIAL PARTIES TO THE INTERLOCAL AGREEMENT SHARE IN COMMON AND THAT EACH MIGHT EXERCISE SEPARATELY RELATING TO THE PROVISION OF INNOVATIVE, FLEXIBLE, TRANSPARENT, SAFE, EFFICIENT, AND EFFECTIVE PUBLIC EDUCATIONAL SERVICES.


(v) AT THE TIME THE INTERLOCAL AGREEMENT CREATING THE PUBLIC BODY CORPORATE WAS APPROVED BY A STATE PUBLIC UNIVERSITY GOVERNING BODY AND A SCHOOL DISTRICT, THE SCHOOL DISTRICT WAS SUBJECT TO CONTROL BY AN EMERGENCY MANAGER APPOINTED FOR THE SCHOOL DISTRICT UNDER FORMER 2011 PA 4, AN EMERGENCY MANAGER APPOINTED FOR THE SCHOOL DISTRICT UNDER THE LOCAL FINANCIAL STABILITY AND CHOICE ACT, 2012 PA 436, OR A PERSON SERVING IN A POSITION WITH RESPONSIBILITIES SUBSTANTIALLY SIMILAR TO AN EMERGENCY MANAGER OR EMERGENCY FINANCIAL MANAGER FOR THE SCHOOL DISTRICT UNDER ANY SUCCESSOR STATUTE.

(F) "THE INTERLOCAL AGREEMENT" MEANS THE INTERLOCAL AGREEMENT CREATING THE QUALIFIED AUTHORITY AUTHORIZED TO FUNCTION AS THE ACHIEVEMENT AUTHORITY UNDER THIS ACT.

SEC. 772. (1) THE ACHIEVEMENT AUTHORITY IS CONFIRMED UNDER THIS PART TO POSSESS THE POWERS, DUTIES, RIGHTS, OBLIGATIONS, FUNCTIONS, AND RESPONSIBILITIES VESTED IN THE ACHIEVEMENT
AUTHORITY UNDER THE LAWS OF THIS STATE, INCLUDING, BUT NOT LIMITED TO, ALL OF THE FOLLOWING:

(A) THE INTERLOCAL AGREEMENT.

(B) ANY TRANSFER CONTRACT UNDER 1967 (EX SESS) PA 8, MCL 124.531 TO 124.536, BETWEEN THE ACHIEVEMENT AUTHORITY AND A SCHOOL DISTRICT, INCLUDING, BUT NOT LIMITED TO, THE STATE REFORM DISTRICT UNDER SECTION 1280C.

(C) THE STATE SCHOOL AID ACT OF 1979, OR ANY SUCCESSOR LAW THAT PROVIDES STATE FUNDING FOR THE PUBLIC SCHOOLS OF THIS STATE.

(D) THIS ACT.


(3) THE ACHIEVEMENT AUTHORITY IS A PUBLIC BODY CORPORATE, IS A SPECIAL AUTHORITY, AND IS A GOVERNMENTAL AGENCY. THE EXERCISE BY THE ACHIEVEMENT AUTHORITY OF POWERS, DUTIES, RIGHTS, OBLIGATIONS, FUNCTIONS, AND RESPONSIBILITIES VESTED IN THE ACHIEVEMENT AUTHORITY UNDER THE INTERLOCAL AGREEMENT, UNDER 1967 (EX SESS) PA 8, MCL 124.531 TO 124.536, UNDER ANY TRANSFER CONTRACT UNDER THAT ACT TO WHICH THE ACHIEVEMENT AUTHORITY IS A PARTY, AND UNDER THIS PART CONSTITUTES THE PERFORMANCE OF ESSENTIAL PUBLIC PURPOSES AND GOVERNMENTAL FUNCTIONS OF THIS STATE.
(4) The Achievement Authority shall only engage in tax-exempt governmental functions carried out as a political subdivision of this state under Section 115 of the Internal Revenue Code of 1986, 26 USC 115. The activities of the Achievement Authority are essential governmental functions carried out by a political subdivision of this state and are exempt from taxation by this state or a local unit of government.

(5) Property of the Achievement Authority is public property devoted to an essential public and governmental function and purpose. Property of the Achievement Authority is exempt from all taxation. Instruments of conveyance to or from the Achievement Authority are exempt from all taxation, including, but not limited to, taxes imposed by 1966 PA 134, MCL 207.501 to 207.513. A document, including, but not limited to, a deed, evidencing the transfer of 1 or more parcels of property to the Achievement Authority by this state, a school district, or other political subdivision of this state may be recorded with the register of deeds office in the county in which the property is located without the payment of a fee.

(6) The Achievement Authority may incur temporary debt in accordance with Section 1225 and receive, disburse, and pledge money for lawful purposes.

(7) The Achievement Authority may borrow money and issue bonds in accordance with Section 1351A and in accordance with Part VI of the Revised Municipal Finance Act, 2001 PA 34, MCL 141.2601 to 141.2613, except that the borrowing of the money and issuance of bonds by the Achievement Authority is not subject to
SECTION 1351(2) TO (4) OR SECTION 1351A(4). BONDS ISSUED UNDER THIS SUBSECTION ARE SUBJECT TO THE REVISED MUNICIPAL FINANCE ACT, 2001 PA 34, MCL 141.2101 TO 141.2821.

(8) THIS PART DOES NOT IMPOSE ANY LIABILITY ON THIS STATE OR A PARTY TO THE INTERLOCAL AGREEMENT, OR ON A SCHOOL DISTRICT OR STATE PUBLIC UNIVERSITY FOR ANY DEBT INCURRED BY THE ACHIEVEMENT AUTHORITY.

(9) TO THE EXTENT THAT ANY PROVISIONS OF THIS PART ARE INCONSISTENT WITH THE PROVISIONS OF AN INTERLOCAL AGREEMENT OR TRANSFER CONTRACT DESCRIBED IN SUBSECTION (1), THE PROVISIONS OF THIS PART ARE CONTROLLING.

(10) NOTWITHSTANDING THE WITHDRAWAL OF A SCHOOL DISTRICT OR A STATE PUBLIC UNIVERSITY UNDER THE INTERLOCAL AGREEMENT, AND SUBJECT TO SUBSECTION (16), THE ACHIEVEMENT AUTHORITY SHALL CONTINUE TO EXIST, OPERATE, AND POSSESS THE POWERS, DUTIES, RIGHTS, OBLIGATIONS, FUNCTIONS, AND RESPONSIBILITIES VESTED IN THE ACHIEVEMENT AUTHORITY UNDER THE INTERLOCAL AGREEMENT AND THIS ACT AND SHALL RETAIN THE POWERS VESTED IN THE ACHIEVEMENT AUTHORITY UNDER THE INTERLOCAL AGREEMENT AND THIS ACT.

(11) THE ACHIEVEMENT AUTHORITY MAY, WITHOUT THE APPROVAL OF THE LOCAL UNIT OF GOVERNMENT IN WHICH PROPERTY HELD BY THE ACHIEVEMENT AUTHORITY IS LOCATED, CONTROL, HOLD, MANAGE, MAINTAIN, OPERATE, REPAIR, LEASE AS LESSOR, SECURE, PREVENT THE WASTE OR DETERIORATION OF, DEMOLISH, AND TAKE ALL OTHER ACTIONS NECESSARY TO PRESERVE THE VALUE OF THE PROPERTY IN WHICH THE ACHIEVEMENT AUTHORITY HAS A RIGHT OR INTEREST, SUBJECT TO ANY AGREEMENT UNDER WHICH THE ACHIEVEMENT AUTHORITY OWNS OR CONTROLS
THE PROPERTY. PROPERTY OF THE ACHIEVEMENT AUTHORITY IS PUBLIC
PROPERTY DEVOTED TO AN ESSENTIAL PUBLIC AND GOVERNMENTAL FUNCTION
AND PURPOSE. PROPERTY OF THE ACHIEVEMENT AUTHORITY IS EXEMPT FROM
TAXATION.

(12) THE ACHIEVEMENT AUTHORITY MAY NOT LEVY AD VALOREM
PROPERTY TAXES OR ANOTHER TAX FOR ANY PURPOSE. HOWEVER, THE
OPERATION, MANAGEMENT, AUTHORIZATION, ESTABLISHMENT, OR OVERSIGHT
OF 1 OR MORE SCHOOLS BY THE ACHIEVEMENT AUTHORITY WITHIN A SCHOOL
DISTRICT OR INTERMEDIATE SCHOOL DISTRICT DOES NOT AFFECT THE
ABILITY OF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT TO
LEVY AD VALOREM PROPERTY TAXES OR ANOTHER TAX UNDER THE LAWS OF
THIS STATE.

(13) THE ACHIEVEMENT AUTHORITY MAY ESTABLISH ON ITS BEHALF 1
OR MORE NONPROFIT CORPORATIONS WITH THE PURPOSE OF ASSISTING THE
ACHIEVEMENT AUTHORITY IN THE FURTHERANCE OF ITS PUBLIC PURPOSES.

(14) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE ACHIEVEMENT
AUTHORITY SHALL USE, AND SHALL ENSURE THAT AN ACHIEVEMENT SCHOOL
USES, CERTIFICATED TEACHERS ACCORDING TO SUPERINTENDENT OF PUBLIC
INSTRUCTION RULE. THE ACHIEVEMENT AUTHORITY MAY USE A
NONCERTIFICATED TEACHER IN ANY SITUATION IN WHICH A SCHOOL
DISTRICT OR OTHER PUBLIC SCHOOL IS AUTHORIZED TO USE A
NONCERTIFICATED TEACHER. THE ACHIEVEMENT AUTHORITY MAY USE ANY
INSTRUCTIONAL TECHNIQUE THAT MAY BE USED BY A SCHOOL DISTRICT OR
OTHER PUBLIC SCHOOL UNDER THIS ACT.

(15) EXCEPT AS OTHERWISE PROVIDED IN THIS PART, THE
ACHIEVEMENT AUTHORITY SHALL COMPLY, AND SHALL ENSURE THAT AN
ACHIEVEMENT SCHOOL COMPLIES, AS IF THE ACHIEVEMENT AUTHORITY WERE

(16) AN ACHIEVEMENT AUTHORITY MAY NOT AUTHORIZE THE ORGANIZATION OF A PUBLIC SCHOOL ACADEMY UNDER PART 6A UNLESS THE PUBLIC SCHOOL ACADEMY IS TO BE LOCATED WITHIN EITHER OF THE FOLLOWING:

(A) WITHIN A SCHOOL DISTRICT FOR WHICH AN EMERGENCY MANAGER IS IN PLACE UNDER THE LOCAL FINANCIAL STABILITY AND CHOICE ACT, 2012 PA 436, OR FOR WHICH A PERSON WITH DUTIES AND RESPONSIBILITIES SIMILAR TO THOSE OF AN EMERGENCY MANAGER UNDER THE LOCAL FINANCIAL STABILITY AND CHOICE ACT, 2012 PA 436, IS IN PLACE UNDER ANY SUCCESSOR STATUTE.

(B) WITHIN THE SAME SCHOOL DISTRICT AND WITHIN A 2-MILE RADIUS OF A PUBLIC SCHOOL THAT THE STATE SCHOOL REDESIGN OFFICER ORDERED TO BE PLACED IN THE STATE REFORM DISTRICT AND UNDER THE CONTROL OF ACHIEVEMENT AUTHORITY UNDER SECTION 1280C(7).

(17) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, THE COMBINED TOTAL NUMBER OF PUBLIC SCHOOLS THAT ARE OPERATED,
MANAGED, AUTHORIZED, ESTABLISHED, OR OVERSEEN BY THE ACHIEVEMENT AUTHORITY SHALL NOT EXCEED 50 AT ANY 1 TIME.

(18) A PUBLIC SCHOOL BUILDING OCCUPIED BY THE ACHIEVEMENT AUTHORITY AND USED BY THE ACHIEVEMENT AUTHORITY FOR THE PROVISION OF PUBLIC EDUCATIONAL SERVICES SHALL BE CONSIDERED TO BE IN CONTINUOUS USE AS A PUBLIC SCHOOL UNDER THE LAWS OF THIS STATE IF EITHER OF THE FOLLOWING APPLY:

(A) THE PUBLIC SCHOOL BUILDING WAS TRANSFERRED TO THE ACHIEVEMENT AUTHORITY UNDER SECTION 1280C.

(B) THE PUBLIC SCHOOL BUILDING WAS ACQUIRED OR LEASED BY THE ACHIEVEMENT AUTHORITY FROM A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY AND WAS PREVIOUSLY USED BY THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY FOR THE PROVISION OF PUBLIC EDUCATIONAL SERVICES.

(19) FOR EACH PUBLIC SCHOOL OPERATED BY AN ACHIEVEMENT AUTHORITY, THE CHANCELLOR MAY ESTABLISH A SCHOOL REINVENTION AND TRANSFORMATION TEAM TO ADVISE SCHOOL LEADERSHIP ON THE ESTABLISHMENT OF ANNUAL GOALS AND PERFORMANCE METRICS FOR THE PUBLIC SCHOOL AND IN ASSESSING THE EFFECTIVENESS OF PROGRAMS AND ACTIVITIES AT THE PUBLIC SCHOOL IN ATTAINING THE GOALS. THE GOALS AND PERFORMANCE METRICS FOR A PUBLIC SCHOOL ADOPTED BY A SCHOOL REINVENTION AND TRANSFORMATION TEAM SHALL BE CONSISTENT WITH ACHIEVEMENT OF THE MISSION STATEMENT, GOALS, AND PERFORMANCE METRICS ADOPTED FOR THE EDUCATION ACHIEVEMENT SYSTEM BY THE ACHIEVEMENT AUTHORITY. A SCHOOL REINVENTION AND TRANSFORMATION TEAM FOR A PUBLIC SCHOOL SHALL INCLUDE REPRESENTATIVES OF PARENTS AND LEGAL GUARDIANS OF PUPILS ATTENDING THE PUBLIC SCHOOL, OTHER RESIDENTS OF THE SCHOOL DISTRICT IN WHICH THE PUBLIC SCHOOL IS...
LOCATED, AND TEACHERS, PRINCIPALS, OR OTHER OFFICERS OR EMPLOYEES
OF THE ACHIEVEMENT AUTHORITY WITH RESPONSIBILITIES RELATING TO
THE PUBLIC SCHOOL. THE SCHOOL REINVENTION AND TRANSFORMATION TEAM
SHALL BE COMPRISED OF THE NUMBER OF PERSONS AS THE CHANCELLOR
DETERMINES, BUT SHALL INCLUDE PARTICIPATION BY AT LEAST THE
CHANCELLOR OR HIS OR HER DESIGNEE FROM WITHIN THE EDUCATION
ACHIEVEMENT SYSTEM, THE CHIEF EXECUTIVE FOR THE PUBLIC SCHOOL OR
HIS OR HER DESIGNEE FROM WITHIN THE PUBLIC SCHOOL, 2 TEACHERS, 2
PARENTS OR LEGAL GUARDIANS, AND 1 COMMUNITY MEMBER WHO RESIDES
WITHIN THE SCHOOL DISTRICT IN WHICH THE PUBLIC SCHOOL IS LOCATED.
(20) IF 25 OR MORE INDIVIDUALS WHO ARE EITHER PARENTS OR
LEGAL GUARDIANS OF PUPILS ATTENDING A PUBLIC SCHOOL OPERATED BY
THE ACHIEVEMENT AUTHORITY OR RESIDENTS OF THE SCHOOL DISTRICT IN
WHICH THAT PUBLIC SCHOOL IS LOCATED REQUEST IN WRITING THAT THE
CHANCELLOR ESTABLISH A SCHOOL REINVENTION AND TRANSFORMATION TEAM
FOR THE PUBLIC SCHOOL, THE CHANCELLOR SHALL ESTABLISH A SCHOOL
REINVENTION AND TRANSFORMATION TEAM FOR THE PUBLIC SCHOOL UNDER
SUBSECTION (19).
(21) THE VALIDITY OF THE CONFIRMATION OF THE ACHIEVEMENT
AUTHORITY UNDER SUBSECTION (1) SHALL BE CONCLUSIVELY PRESUMED
UNLESS HELD TO BE INVALID BY THE COURT OF APPEALS IN AN ORIGINAL
ACTION FILED IN THE COURT OF APPEALS WITHIN 60 DAYS AFTER THE
ENACTMENT OF THIS PART. THE COURT OF APPEALS HAS ORIGINAL
JURISDICTION TO HEAR AN ACTION UNDER THIS SUBSECTION. THE COURT
SHALL HEAR THE ACTION IN AN EXPEDITED MANNER.
SEC. 773. (1) BEGINNING ON THE FIRST JULY 1 AFTER A
QUALIFIED AUTHORITY IS AUTHORIZED TO FUNCTION AS THE ACHIEVEMENT
AUTHORITY UNDER THIS ACT, THE ACHIEVEMENT AUTHORITY SHALL BE GOVERNED BY AN AUTHORITY BOARD CONSISTING OF 7 MEMBERS APPOINTED AS FOLLOWS:

(A) FIVE MEMBERS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.

(B) ONE MEMBER APPOINTED BY THE GOVERNOR FROM AMONG A LIST OF 3 NOMINEES SUBMITTED BY THE SENATE MAJORITY LEADER.

(C) ONE MEMBER APPOINTED BY THE GOVERNOR FROM AMONG A LIST OF 3 NOMINEES SUBMITTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

(2) THE GOVERNOR SHALL APPOINT THE MEMBERS OF THE AUTHORITY BOARD APPOINTED UNDER SUBSECTION (1) IN TIME FOR THOSE MEMBERS TO TAKE OFFICE ON THE FIRST JULY 1 AFTER A QUALIFIED AUTHORITY IS AUTHORIZED TO FUNCTION AS THE ACHIEVEMENT AUTHORITY UNDER THIS ACT. MEMBERS OF THE AUTHORITY BOARD SHALL SERVE FOR TERMS OF 4 YEARS OR UNTIL A SUCCESSOR IS APPOINTED, WHICHERVER IS LATER, EXCEPT THAT OF THE MEMBERS FIRST APPOINTED BY THE GOVERNOR UNDER SUBSECTION (1)(A), 1 SHALL BE APPOINTED FOR A TERM OF 1 YEAR, 2 SHALL BE APPOINTED FOR A TERM OF 2 YEARS, AND 2 SHALL BE APPOINTED FOR A TERM OF 3 YEARS. IF A VACANCY OCCURS ON THE AUTHORITY BOARD AMONG THE MEMBERS APPOINTED UNDER SUBSECTION (1), THE GOVERNOR SHALL MAKE AN APPOINTMENT FOR THE UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

(3) EFFECTIVE ON THE FIRST JULY 1 AFTER A QUALIFIED AUTHORITY IS AUTHORIZED TO FUNCTION AS THE ACHIEVEMENT AUTHORITY UNDER THIS ACT, ALL OF THE FOLLOWING APPLY:

(A) THE AUTHORITY BOARD APPOINTED UNDER SUBSECTION (1) HAS
ALL OF THE POWERS AND DUTIES UNDER THIS ACT PREVIOUSLY VESTED IN ANY OTHER GOVERNING BODY FOR THE ACHIEVEMENT AUTHORITY.

(B) ANY OTHER GOVERNING BODY FOR THE ACHIEVEMENT AUTHORITY IS DISSOLVED.

(4) A MEMBER OF THE GOVERNING BODY SHALL NOT RECEIVE COMPENSATION FOR THE PERFORMANCE OF HIS OR HER DUTIES. A MEMBER OF THE GOVERNING BODY MAY BE REIMBURSED BY THE ACHIEVEMENT AUTHORITY FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE DISCHARGE OF HIS OR HER OFFICIAL DUTIES.


(6) THE GOVERNOR MAY REMOVE FROM OFFICE A MEMBER OF THE GOVERNING BODY OR THE CHANCELLOR FOR GROSS NEGLECT OF DUTY OR FOR CORRUPT CONDUCT IN OFFICE, OR FOR ANY OTHER MISFEASANCE OR MALFEASANCE IN OFFICE, AND SHALL REPORT THE REASONS FOR THE REMOVAL TO THE LEGISLATURE.

SEC. 774. (1) THE CHIEF EXECUTIVE OFFICER OF THE ACHIEVEMENT AUTHORITY SHALL BE THE CHANCELLOR. THE CHANCELLOR SHALL BE APPOINTED BY THE GOVERNING BODY. A VACANCY IN THE OFFICE OF CHANCELLOR SHALL BE FILLED BY APPOINTMENT BY THE GOVERNING BODY.

(2) THE CHANCELLOR SHALL ADMINISTER ALL PROGRAMS, FUNDS, PERSONNEL, FACILITIES, CONTRACTS, AND ALL OTHER ADMINISTRATIVE AND ACADEMIC FUNCTIONS OF THE ACHIEVEMENT AUTHORITY, SUBJECT TO OVERSIGHT BY THE GOVERNING BODY.
Sec. 921. (1) Annually on June 1 each intermediate superintendent shall compile a list of constituent districts which did not operate school within the district during the preceding 2 or more years. Not later than before June 10, the intermediate superintendent shall direct in writing the board of each constituent district to comply with this section and section 922. Before the expiration of within 1 year following this official notification after this direction by the intermediate superintendent, the constituent district shall either: Do 1 of the following:

(a) Attach itself either totally or in part to 1 or more operating school districts.

(B) Transfer the functions and responsibilities of the constituent district relating to operating schools within the school district to another school district, a public school academy, or the achievement authority.

(C) Reopen and operate its own school.

(2) A constituent district shall be considered to have operated school within the school district if the constituent district did either or both of the following:

(A) Directly operated 1 or more schools on its own.

(B) Caused public educational services to be provided within the school district to residents of the school district through a contract or an intergovernmental agreement with another school district, a public school academy, or the achievement authority.

Sec. 1147. (1) A child who is a resident of a school district that does not provide kindergarten and who is at least 5
years of age on the first day of enrollment of the school year may attend school in the school district OR OTHER PUBLIC SCHOOL LOCATED WITHIN THE BOUNDARIES OF THE SCHOOL DISTRICT.

(2) In a school district that provides kindergarten, until the 2013-2014 school year, a child who is a resident of the school district may enroll in the kindergarten or another kindergarten in a public school located within the boundaries of the school district if the child is at least 5 years of age on December 1 of the school year of enrollment. Subject to subsection (3), for the 2013-2014 school year, a child who resides in the school district may enroll in kindergarten in a public school located within the boundaries of the school district if the child is at least 5 years of age on November 1, 2013. Subject to subsection (3), for the 2014-2015 school year, a child who resides in the school district may enroll in kindergarten in a public school located within the boundaries of the school district if the child is at least 5 years of age on October 1, 2014. Subject to subsection (3), beginning with the 2015-2016 school year, a child who resides in the school district may enroll in kindergarten in a public school located within the boundaries of the school district if the child is at least 5 years of age on September 1 of the school year of enrollment.

(3) If a child residing in the school district is not 5 years of age on the enrollment eligibility date specified in subsection (2), but will be 5 years of age not later than December 1 of a school year, the parent or legal guardian of that child may enroll the child in kindergarten for that school year.
IN A PUBLIC SCHOOL LOCATED WITHIN THE BOUNDARIES OF THE SCHOOL DISTRICT if the parent or legal guardian notifies the school district in writing not later than June 1 before the beginning of the school year that he or she intends to enroll the child in kindergarten. If a child described in this subsection becomes a resident of the school district after June 1, the child's parent or legal guardian may enroll the child in kindergarten for that school year IN A PUBLIC SCHOOL LOCATED WITHIN THE BOUNDARIES OF THE SCHOOL DISTRICT if the parent or legal guardian submits this written notification to the school district not later than August 1 before the beginning of that school year. A school district that receives this written notification may make a recommendation to the parent or legal guardian of a child described in this subsection that the child is not ready to enroll in kindergarten due to the child's age or other factors. However, regardless of this recommendation, the parent or legal guardian retains the sole discretion to determine whether or not to enroll the child in kindergarten under this subsection.

(4) The ages prescribed in this section for a child's eligibility for enrollment in a school district also apply to a child's eligibility to enroll in a public school academy.

(5) If a school district or public school academy enrolls any children in kindergarten for a school year under subsection (3), the school district or public school academy shall notify the department of the number of those children enrolled by not later than December 31 of that school year.
(6) THIS SECTION DOES NOT REQUIRE A SCHOOL DISTRICT TO OPERATE A SCHOOL DIRECTLY ON ITS OWN.

Sec. 1212. (1) If approved by the school electors of the school district, the board of a school district may levy a tax of not to exceed 5 mills on the state equalized valuation of the school district each year for a period of not to exceed 20 years, for the purpose of creating a sinking fund to be used for the purchase of real estate for sites for, and the construction or repair of, school buildings. The sinking fund tax levy is subject to the 15 mill tax limitation provisions of section 6 of article IX of the state constitution of 1963 and the property tax limitation act, 1933 PA 62, MCL 211.201 to 211.217a. A school district that levies a sinking fund tax under this section shall have an independent audit of its sinking fund conducted annually, including a review of the uses of the sinking fund, and shall submit the audit report to the department of treasury. If the department of treasury determines from the audit report that the sinking fund has been used for a purpose other than those authorized for the sinking fund under this section, the school district shall repay the misused funds to the sinking fund from the school district's operating funds and shall not levy a sinking fund tax under this section after the date the department of treasury makes that determination.

(2) The proposition of levying a sinking fund tax shall be submitted to the school electors of the school district at a regular or special school election.

(3) The question of levying taxes for the purpose of
creating a sinking fund shall be by ballot in substantially the following form:

"Shall _______________________________ levy ________ mills (legal name of school district) to create a sinking fund for the purpose of ________________ for a period of ____ years?

Yes ( )
No ( )".

(4) For the purposes of this section, millage approved by the school electors before December 1, 1993 for which the authorization has not expired is considered to be approved by the school electors.

(5) IF A SCHOOL DISTRICT LEVIES A SINKING FUND TAX UNDER THIS SECTION, THE SCHOOL DISTRICT MAY MAKE AVAILABLE TO AN ENTITY PROVIDING PUBLIC EDUCATIONAL SERVICES IN A BUILDING OWNED BY THE SCHOOL DISTRICT AVAILABLE BALANCES IN THE SINKING FUND NOT OTHERWISE EXPENDED BY THE SCHOOL DISTRICT AS REQUESTED BY THE ENTITY. MONEY TRANSFERRED FROM THE SINKING FUND BY THE SCHOOL DISTRICT TO THE ENTITY UNDER THIS SUBSECTION MAY BE USED BY THE ENTITY ONLY FOR THE CONSTRUCTION OR REPAIR OF A SCHOOL BUILDING OWNED BY THE SCHOOL DISTRICT AND AS AUTHORIZED UNDER THIS SECTION. ANY MONEY TRANSFERRED FROM THE SINKING FUND BY THE SCHOOL DISTRICT TO AN ENTITY UNDER THIS SUBSECTION SHALL BE SEGREGATED FROM OTHER FUNDS OF THE ENTITY AND SHALL BE USED BY THE ENTITY ONLY FOR THE CONSTRUCTION OR REPAIR OF SCHOOL
BUILDINGS OWNED BY THE SCHOOL DISTRICT AND UTILIZED BY THE
ENTITY. THE SINKING FUND, INCLUDING ANY MONEY TRANSFERRED FROM
THE SINKING FUND BY THE DISTRICT TO THE ENTITY UNDER THIS
SUBSECTION, REMAINS SUBJECT TO THE REQUIREMENTS OF THIS SECTION.
AN ENTITY UNDER THIS SUBSECTION MAY INCLUDE, BUT IS NOT LIMITED
TO, A SCHOOL DISTRICT, A PUBLIC SCHOOL ACADEMY, OR THE
ACHIEVEMENT AUTHORITY.

Sec. 1228. (1) The board of a school district or
intermediate school district may enter into an agreement with a
public school academy OR THE ACHIEVEMENT AUTHORITY to provide
services to the public school academy OR THE
ACHIEVEMENT AUTHORITY or to pupils of the public school academy OR THE
ACHIEVEMENT AUTHORITY, or for the public school academy OR THE
ACHIEVEMENT AUTHORITY to provide services to the school district
or intermediate school district or to pupils of the school
district or intermediate school district. The services may be
provided on a cooperative basis. A school district or
intermediate school district may charge the public school academy
OR THE ACHIEVEMENT AUTHORITY, or a public school academy OR THE
ACHIEVEMENT AUTHORITY may charge the school district or
intermediate school district, for services described in this
section. IF A SCHOOL DISTRICT ENTERS INTO AN AGREEMENT
WITH A PUBLIC SCHOOL ACADEMY OR THE ACHIEVEMENT AUTHORITY UNDER
THIS SUBSECTION, THE AGREEMENT MAY CAUSE ALL OF THE PUBLIC
EDUCATIONAL SERVICES WITHIN THE SCHOOL DISTRICT TO BE PROVIDED BY
THE PUBLIC SCHOOL ACADEMY OR THE ACHIEVEMENT AUTHORITY INSTEAD OF
SCHOOLS THE DISTRICT DIRECTLY OPERATES ON ITS OWN.
(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, IF A
SCHOOL DISTRICT ENTERS INTO AN AGREEMENT WITH A PUBLIC SCHOOL
ACADEMY OR THE ACHIEVEMENT AUTHORITY FOR THE PUBLIC SCHOOL
ACADEMY OR THE ACHIEVEMENT AUTHORITY TO PROVIDE SERVICES UNDER
SUBSECTION (1), THE AGREEMENT MAY PROVIDE THAT THE PUBLIC SCHOOL
ACADEMY OR THE ACHIEVEMENT AUTHORITY, OR AN EDUCATIONAL SERVICES
PROVIDER UNDER CONTRACT WITH THE PUBLIC SCHOOL ACADEMY OR THE
ACHIEVEMENT AUTHORITY, SHALL HIRE AND CONTRACT WITH QUALIFIED
TEACHERS.

Sec. 1229. (1) Except as otherwise provided in subsection
(4), the board of a school district, other than a school district
that was organized as a primary school district during the 1995-
1996 school year, or of an intermediate school district shall
employ a superintendent of schools, who shall meet the
requirements of section 1246. The superintendent shall not be a
member of the board. Employment of a superintendent shall be by
written contract. The term of the superintendent's contract shall
be fixed by the board, not to exceed 5 years. If written notice
of nonrenewal of the contract of a superintendent is not given at
least 90 days before the termination of the contract, the
contract is renewed for an additional 1-year period.

(2) The board of a school district or intermediate school
district may employ assistant superintendents, principals,
assistant principals, guidance directors, and other
administrators who do not assume tenure in that position under
1937 (Ex Sess) PA 4, MCL 38.71 to 38.191. The employment shall be
by written contract. The term of the employment contract shall be
fixed by the board, not to exceed 3 years. The board shall
prescribe the duties of a person described in this subsection. If
written notice of nonrenewal of the contract of a person
described in this subsection is not given at least 60 days before
the termination date of the contract, the contract is renewed for
an additional 1-year period.

(3) A notification of nonrenewal of contract of a person
described in subsection (2) may be given only for a reason that
is not arbitrary or capricious. The board shall not issue a
notice of nonrenewal under this section unless the affected
person has been provided with not less than 30 days' advance
notice that the board is considering the nonrenewal together with
a written statement of the reasons the board is considering the
nonrenewal. After the issuance of the written statement, but
before the nonrenewal statement is issued, the affected person
shall be given the opportunity to meet with not less than a
majority of the board to discuss the reasons stated in the
written statement. The meeting shall be open to the public or a
closed session, as the affected person elects under section 8 of
the open meetings act, 1976 PA 267, MCL 15.268. If the board
fails to provide for a meeting with the board, or if a court
finds that the reason for nonrenewal is arbitrary or capricious,
the affected person's contract is renewed for an additional 1-
year period. This subsection does not apply to the nonrenewal of
the contract of a superintendent of schools described in
subsection (1).

(4) A school district, instead of directly employing a
superintendent of schools, may contract with its intermediate school district for the intermediate superintendent to serve as the superintendent of schools for the school district or for the intermediate school district to provide another person to serve as superintendent of schools for the school district. **IF A SCHOOL DISTRICT DOES NOT OPERATE SCHOOLS DIRECTLY ON ITS OWN, THE SCHOOL DISTRICT IS NOT REQUIRED TO EMPLOY A SUPERINTENDENT. IF AN EMERGENCY MANAGER IS IN PLACE FOR A SCHOOL DISTRICT, ALL OF THE FOLLOWING APPLY:**

(A) **THE SCHOOL DISTRICT IS NOT REQUIRED TO EMPLOY A SUPERINTENDENT AND THE EMERGENCY MANAGER MAY FUNCTION AS THE SUPERINTENDENT OF THE SCHOOL DISTRICT OR CONTRACT WITH ANOTHER PERSON OR ENTITY TO PROVIDE SUPERINTENDENT SERVICES TO THE DISTRICT.**

(B) **ALL DECISIONS RELATING TO THE HIRING, SUPERVISION, AND DIRECTION OF A SUPERINTENDENT, ASSISTANT SUPERINTENDENT, PRINCIPAL, ASSISTANT PRINCIPAL, OR OTHER ADMINISTRATORS, OR CONTRACTING FOR ADMINISTRATIVE SERVICES SHALL BE MADE BY THE EMERGENCY MANAGER ON BEHALF OF THE SCHOOL DISTRICT.**

(5) **AS USED IN THIS SECTION, "EMERGENCY MANAGER" MEANS AN EMERGENCY MANAGER SERVING UNDER THE LOCAL FINANCIAL STABILITY AND CHOICE ACT, 2012 PA 436, OR A PERSON SERVING IN A POSITION WITH SIMILAR DUTIES UNDER ANY SUCCESSOR STATUTE.**

Sec. 1280c. (1) **Beginning in 2010, not later than September 1 of each year, the superintendent of public instruction shall publish a list identifying the public schools in this state, EXCLUDING CENTER PROGRAMS, that the department has**
determined to be among the lowest achieving 5% of all public schools in this state — DURING THE IMMEDIATELY PRECEDING SCHOOL YEAR. AS USED IN THIS SECTION, "LOWEST ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN THIS STATE" INCLUDES EITHER OF THE FOLLOWING, AS APPLICABLE:

(A) FOR SCHOOL YEARS BEFORE THE 2011-2012 SCHOOL YEAR, THE PERSISTENTLY LOW ACHIEVING SCHOOLS IN THIS STATE as defined by the UNITED STATES DEPARTMENT OF EDUCATION for the purposes of the federal incentive grant program created under sections 14005 and 14006 of title XIV of the American recovery and reinvestment act of 2009, Public Law 111-5, OR THE SCHOOL IMPROVEMENT GRANT PROGRAM UNDER SECTION 1003(G) OF PART A OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965, 20 USC 6303(G).

(B) FOR SCHOOL YEARS AFTER THE 2010-2011 SCHOOL YEAR, PERSISTENTLY LOW ACHIEVING SCHOOLS AS DEFINED BY THE UNITED STATES DEPARTMENT OF EDUCATION FOR PURPOSES OF THE SCHOOL IMPROVEMENT GRANT PROGRAM UNDER SECTION 1003(G) OF PART A OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965, 20 USC 6303(G), OR AN ALTERNATIVE DEFINITION APPROVED BY THE UNITED STATES DEPARTMENT OF EDUCATION, INCLUDING, BUT NOT LIMITED TO, PRIORITY SCHOOLS WITHIN THIS STATE AS DEFINED UNDER A FLEXIBILITY REQUEST APPROVED FOR THIS STATE BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF EDUCATION UNDER SECTION 9401 OF PART D OF TITLE IX OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965, 20 USC 7861.

(2) Except as otherwise provided in subsection (16), the THE superintendent of public instruction shall issue an order placing
each public school that is included on the list under subsection (1) under the supervision of the state school reform/redesign officer described in subsection (9). Within 90 days after a public school is placed under the supervision of the state school reform/redesign officer under this section, the school board or board of directors operating the public school shall submit a redesign plan to the state school reform/redesign officer. For a public school operated by a school board, the redesign plan shall be developed with input from the local teacher bargaining unit and the local superintendent. **THE REDESIGN PLAN SHALL DIRECTLY ADDRESS THE REASONS THE PUBLIC SCHOOL IS AMONG THE LOWEST ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN THIS STATE BY INCORPORATING MEASURES TO IMPROVE PUPIL PERFORMANCE IN THOSE SUBJECT AREAS IN WHICH THE PUPILS ARE FAILING TO ADEQUATELY ACHIEVE.** The redesign plan shall require implementation of 1 of the 4 school intervention models that are provided for the lowest achieving schools under the federal incentive grant program created under sections 14005 and 14006 of title XIV of the American recovery and reinvestment act of 2009, Public Law 111-5, known as the "race to the top" grant program, **A SCHOOL INTERVENTION MODEL PROVIDED FOR BY THE UNITED STATES DEPARTMENT OF EDUCATION UNDER THE SCHOOL IMPROVEMENT GRANT PROGRAM AUTHORIZED BY SECTION 1003(G) OF PART A OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965, 20 USC 6303(G), OR ANY OTHER INTERVENTION MODEL AUTHORIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION, A SCHOOL INTERVENTION MODEL UNDER THE FEDERAL INCENTIVE GRANT PROGRAM CREATED UNDER 20 USC 6303(G),**
ANOTHER INTERVENTION MODEL THAT IS APPROVED UNDER FEDERAL LAW OR
ANY OTHER INTERVENTION MODEL NOT PROHIBITED BY FEDERAL LAW WITH A
GREATER LIKELIHOOD OF IMPROVING EDUCATIONAL OUTCOMES FOR THE
PUBLIC SCHOOL. These models are INCLUDE the turnaround model,
restart model, school closure, and transformation model, ANY
OTHER INTERVENTION MODEL APPROVED UNDER FEDERAL LAW, OR ANY OTHER
INTERVENTION MODEL NOT PROHIBITED BY FEDERAL LAW WITH A GREATER
LIKELIHOOD OF IMPROVING EDUCATIONAL OUTCOMES FOR THE PUBLIC
SCHOOL. The redesign plan shall include an executed addendum to
each applicable collective bargaining agreement in effect for the
public school that meets the requirements of subsection (8). (11).
(3) Within 30 days after receipt of a redesign plan for a
public school under subsection (2), the state school
reform/redesign REDESIGN officer shall issue an order approving,
disapproving, or making changes to the redesign plan. If the
order makes changes to the redesign plan, the school board or
board of directors has 30 days after the order to change the
redesign plan to incorporate those changes into the redesign plan
and resubmit it to the state school reform/redesign REDESIGN
officer for approval or disapproval.
(4) The state school reform/redesign REDESIGN officer shall
not disapprove a redesign plan that includes all of the elements
required under federal law for the school intervention model
included in the redesign plan. DESCRIBED IN SUBSECTION (2). A
school board or board of directors may appeal disapproval of a
redesign plan on this basis to the superintendent of public
instruction. The decision of the superintendent of public
instruction on the appeal is a final ADMINISTRATIVE DECISION.

(5) If the state school reform/redesign officer approves a redesign plan under this section, the school board or board of directors shall implement the redesign plan for the public school beginning with the beginning of the next school year that begins after the approval. The school board or board of directors shall regularly submit monitoring reports to the state school reform/redesign officer on the implementation and results of the plan in the form and manner, and according to a schedule, as determined by the state school reform/redesign officer. NOT LATER THAN OCTOBER 1 OF EACH YEAR, IF A PUBLIC SCHOOL HAS BEEN ON THE LIST UNDER SUBSECTION (1) FOR 3 CONSECUTIVE YEARS AFTER THE 2009-2010 SCHOOL YEAR, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL NOTIFY THE STATE SCHOOL REDESIGN OFFICER.

(6) The state school reform/redesign school reform/redesign district is created. The state school reform/redesign school reform/redesign district is a school district for the purposes of section 11 of article IX of the state constitution of 1963, and for receiving state school aid under the state school aid act of 1979, AND FOR FUNCTIONING AS A POLITICAL SUBDIVISION THAT IS A PARTY TO A CONTRACT TRANSFERRING THE POWERS, DUTIES, RIGHTS, OBLIGATIONS, FUNCTIONS, AND RESPONSIBILITIES OF THE STATE REFORM DISTRICT TO A SPECIAL AUTHORITY UNDER 1967 (EX SESS) PA 8, MCL 124.531 TO 124.536, and is subject to the leadership and general supervision of the state board over all public education under section 3 of article VIII of the state constitution of 1963. The state school
The state school reform/redesign officer does not approve shall issue an order placing the public school in the state reform district and under the control of the achievement authority, unless the state school redesign officer and the chancellor both determine that there is a greater likelihood for improvement of the educational outcomes at the public school if the public school remains under the control of its school board or board of directors:

(A) the state school redesign officer receives notice under subsection (5) from the superintendent of public instruction that
THE PUBLIC SCHOOL, OTHER THAN A PUBLIC SCHOOL THAT HAS ALREADY BEEN PLACED IN THE STATE REFORM DISTRICT AND IS UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY, HAS BEEN ON THE LIST REQUIRED UNDER SUBSECTION (1) FOR 3 CONSECUTIVE YEARS.

(B) THE STATE SCHOOL REDESIGN OFFICER DISAPPROVES the redesign plan, or if the SUBMITTED FOR THE PUBLIC SCHOOL UNDER SUBSECTION (2).

(C) THE state school reform/redesign—REDESIGN officer determines that the redesign plan SUBMITTED FOR THE PUBLIC SCHOOL UNDER SUBSECTION (2) is not achieving satisfactory results AFTER THE INTERVENTION MODEL HAS BEEN IN EFFECT FOR 3 YEARS.

(8) IF the state school reform/redesign—REDESIGN officer shall issue an order UNDER SUBSECTION (7) placing the public school in the state school reform/redesign school—REFORM district AND UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY, imposing for the public school implementation of THE CHANCELLOR SHALL IMPOSE 1 of the 4—school intervention models described in subsection (2) beginning with the beginning of the next school year, and imposing an addendum to each applicable collective bargaining agreement in effect for the public school as necessary to implement the school intervention model and that meets the requirements of subsection (8). SUBJECT TO SUBSECTION (15), IF AT ANY TIME AFTER A PUBLIC SCHOOL IS PLACED IN THE STATE REFORM DISTRICT AND UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY THE CHANCELLOR DETERMINES THAT A REDESIGN PLAN PREVIOUSLY ADOPTED FOR A PUBLIC SCHOOL UNDER THIS SECTION IS NOT ACHIEVING SATISFACTORY RESULTS, THE CHANCELLOR MAY ADOPT FOR THE PUBLIC SCHOOL AN
ALTERNATIVE SCHOOL INTERVENTION MODEL DESCRIBED IN SUBSECTION (2) OR AN ALTERNATIVE SCHOOL INTERVENTION MODEL NOT PROHIBITED BY FEDERAL LAW THAT THE CHANCELLOR DETERMINES HAS A GREATER LIKELIHOOD OF IMPROVING EDUCATIONAL OUTCOMES FOR THE PUBLIC SCHOOL.

(9) All of the following apply to the state school reform/redesign school district UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY:

(a) The state school reform/redesign school district shall consist of schools that are placed in the state school reform/redesign school district AND UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY UNDER THIS SECTION.

(b) The state school reform/redesign officer shall act as the superintendent of the state school reform/redesign school district. With respect to schools placed in the state school reform/redesign school district AND UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY, the state school reform/redesign officer has all of the powers, rights, obligations, functions, and responsibilities described in this section; EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, all of the provisions of this act that ARE NOT INCONSISTENT WITH PART 7C AND would otherwise apply to the school board OR OTHER SCHOOL OFFICERS that previously operated a PUBLIC school placed in the state school reform/redesign school district AND UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY apply to the state school reform/redesign officer with respect to that PUBLIC school, except those relating to taxation or
borrowing; except as otherwise provided in this section, the state school reform/redesign officer \textit{CHANCELLOR} may exercise all the powers and duties otherwise vested by law in the school board \textit{OR OTHER SCHOOL OFFICERS} that previously operated a \textit{PUBLIC} school placed in the state school reform/redesign school \textit{REFORM} district, and in its officers, except those relating to taxation or borrowing, and may exercise all additional powers, and duties, \textbf{RIGHTS, OBLIGATIONS, FUNCTIONS, AND RESPONSIBILITIES} provided under this section, \textit{LAW}; and, except as otherwise provided in this section, \textit{ACT}, the state school reform/redesign officer \textit{CHANCELLOR} accedes to all the \textbf{POWERS}, rights, duties, \textbf{FUNCTIONS}, \textbf{RESPONSIBILITIES}, and obligations of the school board \textit{AND OTHER LOCAL SCHOOL OFFICERS} with respect to that \textit{PUBLIC} school \textit{THAT ARE NOT INCONSISTENT WITH PART 7C}. These powers, rights, duties, \textbf{FUNCTIONS, RESPONSIBILITIES}, and obligations include, but are not limited to, all of the following:

\begin{itemize}
\item[(i)] Authority over the expenditure of all funds attributable to pupils at that school, including that portion of proceeds from bonded indebtedness and other funds dedicated to capital projects that would otherwise be apportioned to that school by the school board \textit{OR OTHER SCHOOL OFFICERS} that previously operated the school according to the terms of the bond issue or financing documents.
\item[(ii)] Subject to subsection (8), \textbf{SUBSECTIONS (11) AND (15)}, rights and obligations under collective bargaining agreements and employment contracts entered into by the school board \textit{OR OTHER SCHOOL OFFICERS} for employees at the school.
\end{itemize}
(iii) Rights to prosecute and defend litigation.

(iv) Rights and obligations under statute, rule, and common law.

(v) Authority to delegate any of the state school reform/redesign officer’s powers, and duties, rights, obligations, functions, and responsibilities to 1 or more designees, with proper supervision by the state school reform/redesign officer.

(vi) Power to terminate or modify any contract or portion of a contract entered into by the school board or other school officer that previously operated that public school that applies to that public school. However, this subsection does not allow any termination or diminishment of obligations to pay debt service on legally authorized bonds and does not allow a collective bargaining agreement to be affected except as provided under subsection (8). A contract terminated by the state school reform/redesign officer under this subsection is void.

(10) If the state school reform/redesign officer determines that better educational results are likely to be achieved by appointing a chief executive officer to take control of multiple public schools that have been placed in the state reform district and under the control of the achievement authority, the state school reform/redesign officer may make a recommendation to the superintendent of public instruction for appointment of a chief executive officer to take control over those multiple schools. If the superintendent of public instruction appoints a chief executive officer.
executive officer to take control of multiple public schools under this subsection, the chief executive officer shall impose for those public schools implementation of 1 of the 4 school intervention models described in subsection (2) and may impose an addendum to each applicable collective bargaining agreement in effect for those public schools as necessary to implement the school intervention model and that meets the requirements of subsection (8)–(11). Subject to subsection (15), if at any time after a public school is placed under the control of a chief executive officer under this subsection the chief executive officer determines that an intervention model previously adopted for a public school under this subsection is not achieving satisfactory results, the chief executive officer may adopt for the public school an alternative school intervention model described in subsection (2) or an alternative school intervention model not prohibited by federal law that the chancellor determines has a greater likelihood of improving educational outcomes for the public school. With respect to those public schools—school placed under the control of a chief executive officer under this subsection, the chief executive officer has all of the same powers, and duties, rights, obligations, functions, and responsibilities that the state school reform/redesign officer—chancellor has for public schools placed in the state school reform/redesign school reform/redesign district and under the control of the achievement authority under subsection (6)–(7), subject to supervision by the chancellor. The chief executive officer shall regularly submit monitoring reports to
the state school reform/redesign officer—CHANCELLOR—on the implementation and results of the intervention model in the form and manner, and according to a schedule, as determined by the state school reform/redesign officer—CHANCELLOR. The chief executive officer shall exercise any other powers or duties over the public schools—SCHOOL—as may be directed by the superintendent of public instruction—CHANCELLOR.

(11)(a) An addendum to a collective bargaining agreement under this section shall provide for any BOTH of the following:

that are necessary for the applicable school intervention model to be implemented at each affected public school:

(a) That any contractual or other seniority system that would otherwise be applicable shall not apply at the public school. This subdivision does not allow unilateral changes in pay scales or benefits.

(b) That any contractual or other work rules that are impediments to implementing the redesign plan shall not apply at the public school. This subdivision does not allow unilateral changes in pay scales or benefits.

(12)(c) That FOR A PUBLIC SCHOOL OPERATING UNDER A REDESIGN PLAN APPROVED BY THE STATE SCHOOL REDESIGN OFFICER, the state school reform/redesign—REDESIGN—officer shall direct the expenditure of all funds attributable to pupils at the public school and the principal or other school leader designated by the state school reform/redesign—REDESIGN—officer shall have full autonomy and control over curriculum and discretionary spending at the public school. FOR A PUBLIC SCHOOL OPERATING UNDER THE
CONTROL OF THE ACHIEVEMENT AUTHORITY UNDER SUBSECTIONS (7) TO (9), THE CHANCELLOR SHALL DIRECT THE EXPENDITURE OF ALL FUNDS ATTRIBUTABLE TO PUPILS AT THE PUBLIC SCHOOL AND SHALL HAVE FULL AUTONOMY AND CONTROL OVER CURRICULUM AND DISCRETIONARY SPENDING AT THE PUBLIC SCHOOL. FOR A PUBLIC SCHOOL OPERATING UNDER SUBSECTION (10), THE CHIEF EXECUTIVE OFFICER SHALL DIRECT THE EXPENDITURE OF ALL FUNDS ATTRIBUTABLE TO PUPILS AT THE PUBLIC SCHOOL AND SHALL HAVE FULL AUTONOMY AND CONTROL OVER CURRICULUM AND DISCRETIONARY SPENDING AT THE PUBLIC SCHOOL.

(13) The superintendent of public instruction shall hire an APPOINT state school reform/redesign officer to carry out the functions OF THE STATE SCHOOL REDESIGN OFFICER under this section and as otherwise prescribed by law. The state school reform/redesign officer shall be chosen solely on the basis of his or her competence and experience in educational reform and redesign. The state school reform/redesign officer is exempt from civil service. The state school reform/redesign officer is responsible directly to the superintendent of public instruction to ensure that the purposes of this section are carried out, and accordingly the position of state school reform/redesign officer should be a position within the department that is exempt from the classified state civil service. The department shall request that the civil service commission establish the position of state school reform/redesign officer as a position that is exempt from the classified state civil service.

(14) If the state school reform/redesign officer...
CHANCELLOR imposes the restart model for a public school in the state school reform/redesign school district and under the control of the Achievement Authority, or a chief executive officer under subsection (7) imposes the restart model for multiple public schools under that subsection, all of the following apply:

(a) The state school reform/redesign officer or chief executive officer shall enter into an agreement with an educational management organization to manage and operate the public school or schools. The state school reform/redesign officer or chief executive officer shall provide sufficient oversight to ensure that the public school or schools will be operated according to all of the requirements for a restart model.

(b) There shall be considered to be no collective bargaining agreement in effect that applies to employees working at the public school or schools under this model at the time of imposition of the model.

(11) If the state school reform/redesign officer imposes the turnaround model for a public school in the state school reform/redesign school district, or a chief executive officer under subsection (7) imposes the turnaround model for multiple public schools under that subsection, all of the following apply:

(a) A collective bargaining agreement that applies to employees working at the public school or schools under this model at the time of imposition of the model, and any successor collective bargaining agreement, continues to apply with respect
to pay scales and benefits.

(b) Subject to any addendum to the collective bargaining agreement that applies to the public school or schools, an employee who is working at the public school or schools and who was previously employed in the same school district that previously operated that school shall continue to retain and accrue seniority rights in that school district according to the collective bargaining agreement that applies to employees of that school district.

(12) If more than 9 public schools operated by a school district are on the list under subsection (1), the transformation model may not be implemented for more than 50% of those schools.

(15) IF UNDER SUBSECTION (8) THE CHANCELLOR IMPOSES AN ALTERNATIVE SCHOOL INTERVENTION MODEL NOT PROHIBITED BY FEDERAL LAW THAT THE CHANCELLOR DETERMINES HAS A GREATER LIKELIHOOD OF IMPROVING EDUCATIONAL OUTCOMES FOR A PUBLIC SCHOOL UNDER THAT SUBSECTION, OR IF UNDER SUBSECTION (10) A CHIEF EXECUTIVE OFFICER IMPOSES AN ALTERNATIVE SCHOOL INTERVENTION MODEL NOT PROHIBITED BY FEDERAL LAW THAT THE CHANCELLOR DETERMINES HAS A GREATER LIKELIHOOD OF IMPROVING EDUCATIONAL OUTCOMES FOR A PUBLIC SCHOOL UNDER THAT SUBSECTION, ALL OF THE FOLLOWING APPLY:

(A) THE CHANCELLOR OR CHIEF EXECUTIVE OFFICER SHALL DETERMINE THE MOST EFFECTIVE MECHANISM FOR THE MANAGEMENT AND OPERATION OF THE PUBLIC SCHOOL OR SCHOOLS AND THE PROVISION OF EDUCATIONAL SERVICES IN A MANNER THAT COMPLIES WITH PART 7C.

(B) A COLLECTIVE BARGAINING AGREEMENT APPLICABLE TO EMPLOYEES WORKING AT THE PUBLIC SCHOOL BEFORE THE IMPOSITION OF
THE ALTERNATIVE SCHOOL INTERVENTION MODEL SHALL NOT APPLY TO PERSONNEL AT THE PUBLIC SCHOOL AFTER THE IMPOSITION OF THE ALTERNATIVE SCHOOL INTERVENTION MODEL.


(16) THE STATE SCHOOL REDESIGN OFFICER MAY DELAY THE ISSUANCE OF AN ORDER UNDER SUBSECTION (7) PLACING A PUBLIC SCHOOL IN THE STATE REFORM DISTRICT AND UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY FOR UP TO AN ADDITIONAL 3 YEARS BEYOND THE
3-YEAR PERIODS UNDER SUBSECTION (7)(A) AND (C) IF THE STATE
SCHOOL REDESIGN OFFICER DETERMINES THAT THE PUBLIC SCHOOL MEETS
ALL OF THE FOLLOWING:

(A) THE PUBLIC SCHOOL HAS IN GOOD FAITH IMPLEMENTED THE
FOLLOWING COMPONENTS OF ITS REFORM MODEL:

(i) HAS REPLACED THE PRINCIPAL.

(ii) HAS REPLACED AT LEAST 50% OF THE INSTRUCTIONAL STAFF
UNDER THE PUBLIC SCHOOL'S TURNAROUND MODEL.

(iii) HAS INCREASED STUDENT LEARNING TIME AS PROVIDED IN THE
PUBLIC SCHOOL'S REFORM MODEL.

(iv) HAS INCREASED COLLABORATION TIME AS PROVIDED IN THE
PUBLIC SCHOOL'S REFORM MODEL.

(v) HAS INCREASED PROFESSIONAL DEVELOPMENT TIME AS PROVIDED
IN THE PUBLIC SCHOOL'S REFORM MODEL.

(vi) HAS IMPLEMENTED A TEACHER EVALUATION FORM AND PROTOCOL
AS PROVIDED IN THE PUBLIC SCHOOL'S REFORM MODEL.

(vii) HAS USED INDIVIDUAL STUDENT DATA TO INFORM AND
DIFFERENTIATE INSTRUCTION.

(viii) HAS ALIGNED INSTRUCTION TO COMMON CORE STATE STANDARDS.

(B) THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY THAT
OPERATES THE PUBLIC SCHOOL HAS DEMONSTRATED RESPONSIBLE FISCAL
MANAGEMENT AND GOVERNANCE AS EVIDENCED BY THE FOLLOWING:

(i) HAS MAINTAINED AT LEAST A 5% FUND BALANCE IN ITS
OPERATING FUND.

(ii) FOR THE IMMEDIATELY PRECEDING 3 YEARS, HAS RECEIVED FROM
ITS INDEPENDENT AUDITOR AN UNQUALIFIED OPINION REGARDING THE
SCHOOL DISTRICT'S OR PUBLIC SCHOOL ACADEMY'S FINANCIAL CONDITION.
(iii) HAS NO OPERATING DEFICIT.

(iv) HAS TIMELY PROVIDED ALL ANNUAL FINANCIAL REPORTS OR AUDITS THAT CONFORM WITH THE MINIMUM PROCEDURES AND STANDARDS PRESCRIBED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THAT ARE REQUIRED UNDER THIS ACT.

(17) If the state school reform/redesign officer CHANCELLOR determines that a public school that is subject to the measures under subsection (6) or (7) HAS BEEN PLACED IN THE STATE REFORM DISTRICT AND UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY UNDER SUBSECTIONS (7) TO (9), OR THAT IS UNDER THE CONTROL OF A CHIEF EXECUTIVE OFFICER UNDER SUBSECTION (10), has made significant improvement in pupil achievement and should be released from the measures that have been imposed under subsection (6) or (7), THIS SECTION, the state school reform/redesign officer - CHANCELLOR may recommend this to the superintendent of public instruction. If the superintendent of public instruction agrees with the determination and recommendation, the superintendent of public instruction may release the public school from the measures that have been imposed under subsection (6) or (7). THIS SECTION AND THE PUBLIC SCHOOL SHALL NO LONGER BE WITHIN THE STATE REFORM DISTRICT OR SUBJECT TO THE CONTROL OF THE STATE SCHOOL REDESIGN OFFICER OR THE CHANCELLOR. THE ACHIEVEMENT AUTHORITY SHALL ADOPT OBJECTIVE CRITERIA FOR THE CHANCELLOR TO USE IN DETERMINING WHETHER A PUBLIC SCHOOL SHALL BE RELEASED FROM THE STATE REFORM DISTRICT UNDER THIS SUBSECTION, INCLUDING PUPIL ACHIEVEMENT, EDUCATIONAL OUTCOMES, PUPIL ATTENDANCE, AND PARENTAL SUPPORT AND INVOLVEMENT.
(18) If a public school has been placed in the state reform district and under the control of the achievement authority under subsections (7) to (9), or is under the control of a chief executive officer under subsection (10), and the public school has not been on the list of the lowest achieving 5% of all public schools in this state under subsection (1) for 4 consecutive years, the public school shall no longer be within the state reform district or subject to the control of the state school redesign officer or the chancellor.

(19) At least annually, the state school reform/redesign officer and the chancellor shall submit a report to the governor, the superintendent of public instruction, and the standing committees of the senate and house of representatives having jurisdiction over education legislation on the progress being made in improving pupil proficiency due to the measures under this section.

(20) As soon as practicable after the federal department of education has adopted the final work rules and formula for identifying the lowest achieving 5% of all public schools in this state for the purposes of the federal incentive grant program created under sections 14005 and 14006 of title XIV of the American recovery and reinvestment act of 2009, Public Law 111-5, known as the "race to the top" grant program, effective date of the 2013 amendatory act that amended this section, the department shall post all of the following on its website:

(a) The federal work rules and formula or methodology for identifying the lowest achieving 5% of all public schools in this
STATE UNDER SUBSECTION (1).

(b) The list of the public schools in this state that have been identified for these purposes as being among the lowest achieving 5% of all public schools in this state. The department shall update this list as it considers appropriate. Published and updated each year under subsection (1).

(16) If a school that is included on the list under subsection (1) is operated by a school district in which an emergency manager is in place under the local government and school district fiscal accountability act, then the superintendent of public instruction shall not issue an order placing the school under the supervision of the state school reform/redesign officer.

(21) The members of a board of a school district or members of a board of directors of a public school academy shall not take any action that is inconsistent with or interferes with the powers and duties under this act of the achievement authority, the state reform district, the state school redesign officer, the chancellor, or a chief executive officer under this section.

(22) If a public school is placed in the state reform district and under the control of the achievement authority, ownership of the real property occupied by the public school and the personal property at the public school, as of the time the public school is placed in the state reform district and under the control of the achievement authority, does not transfer to the achievement authority unless purchased by the achievement authority from the school board or board of directors. The
ACHIEVEMENT AUTHORITY OR THE CHANCELLOR SHALL NOT SELL OR 
OTHERWISE CONVEY THAT REAL OR PERSONAL PROPERTY WITHOUT THE 
WRITTEN APPROVAL OF THE SCHOOL BOARD OR BOARD OF DIRECTORS THAT 
PREVIOUSLY OPERATED THE SCHOOL UNLESS IT WAS PREVIOUSLY PURCHASED 
BY THE ACHIEVEMENT AUTHORITY FROM THE SCHOOL BOARD OR BOARD OF 
DIRECTORS.

(23) THE VALIDITY OF AN ORDER UNDER THIS SECTION PLACING A 
PUBLIC SCHOOL IN THE STATE REFORM DISTRICT AND UNDER THE CONTROL 
OF THE ACHIEVEMENT AUTHORITY SHALL BE CONCLUSIVELY PRESUMED 
UNLESS HELD TO BE INVALID BY THE COURT OF APPEALS IN AN ORIGINAL 
ACTION FILED IN THE COURT OF APPEALS WITHIN 60 DAYS AFTER THE 
ISSUANCE OF THE ORDER. THE COURT OF APPEALS HAS ORIGINAL 
JURISDICTION TO HEAR AN ACTION UNDER THIS SUBSECTION. THE COURT 
SHALL HEAR THE ACTION IN AN EXPEDITED MANNER.

(24) THE MEASURES UNDER THIS SECTION DO NOT APPLY TO A 
CENTER PROGRAM.

(25) AS USED IN THIS SECTION:

(A) "ACHIEVEMENT AUTHORITY" MEANS THE EDUCATION ACHIEVEMENT 
AUTHORITY DESCRIBED IN PART 7C.

(B) "CENTER PROGRAM" MEANS A PUBLIC EDUCATIONAL PROGRAM 
OPERATED BY A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT 
THAT PROVIDES SPECIAL EDUCATION SERVICES TO PUPILS RESIDING IN 
MORE THAN 1 SCHOOL DISTRICT, IN WHICH EACH PUPIL WITHIN THE 
PROGRAM IS PROVIDED WITH THOSE SERVICES PURSUANT TO AN 
INDIVIDUALIZED EDUCATION PROGRAM FOR THE PUPIL UNDER SECTION 614 
OF PART B OF TITLE VI OF THE INDIVIDUALS WITH DISABILITIES 
EDUCATION ACT, PUBLIC LAW 91-230, 20 USC 1414, AND IN WHICH EACH
PUPIL WITHIN THE PROGRAM ALSO HAS 1 OR MORE OF THE FOLLOWING:

(i) AUTISM SPECTRUM DISORDER.

(ii) SEVERE COGNITIVE IMPAIRMENT.

(iii) MODERATE COGNITIVE IMPAIRMENT.

(iv) SEVERE MULTIPLE COGNITIVE OR OTHER PHYSICAL IMPAIRMENT.

(v) HEARING IMPAIRMENT.

(vi) VISUAL IMPAIRMENT.

(vii) OTHER PHYSICAL OR HEALTH IMPAIRMENT IMPACTING THE
PUPIL'S EDUCATION.

(viii) EMOTIONAL IMPAIRMENT, IF THE SERVICES ARE PROVIDED IN A
SCHOOL BUILDING THAT DOES NOT SERVE REGULAR EDUCATION PUPILS.

(C) "CHANCELLOR" MEANS THE CHANCELLOR OF THE ACHIEVEMENT
AUTHORITY.

SEC. 1701B. FOR THE PURPOSES OF ENSURING THAT A STUDENT WITH
A DISABILITY ENROLLED IN AN ACHIEVEMENT SCHOOL IS PROVIDED WITH
SPECIAL EDUCATION PROGRAMS AND SERVICES, THE ACHIEVEMENT
AUTHORITY IS CONSIDERED TO BE A LOCAL SCHOOL DISTRICT UNDER THIS
ARTICLE.